

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 16 DEC 2005

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Applicant's or agent's file reference 3520-221 WO/P28,441-A	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. PCT/US04/32964	International filing date (day/month/year) 06 October 2004 (06.10.2004)	Priority date (day/month/year) 06 October 2003 (06.10.2003)
International Patent Classification (IPC) or national classification and IPC IPC(7): H 04Q 7/00; H04J 3/16. and US Cl.: 370/328, 338, 465, 466, 469.		
Applicant BROADBEAM CORPORATION		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a. ☐ (sent to the applicant and to the International Bureau) a total of \_\_\_ sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

Date of submission of the demand 29 July 2005 (29.07.2005)	Date of completion of this report 25 November 2005 (25.11.2005)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US - Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Thien D. Tran Telephone No. (703) 308-4388

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/32964

## Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4(a))
  - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished
- ☒ the description:  
pages 1-18 as originally filed/furnished  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* NONE received by this Authority on \_\_\_\_\_
- ☒ the claims:  
pages 19-21 as originally filed/furnished  
pages\* NONE as amended (together with any statement) under Article 19  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* NONE received by this Authority on \_\_\_\_\_
- ☒ the drawings:  
pages 1-4 as originally filed/furnished  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* NONE received by this Authority on \_\_\_\_\_

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages None
- ☒ the claims, Nos. None
- ☒ the drawings, sheets/figs None
- ☒ the sequence listing (*specify*): None
- ☒ any table(s) related to the sequence listing (*specify*): None

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US04/32964

## Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-17</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-17</u>	NO
Industrial Applicability (IA)	Claims <u>1-17</u>	YES
	Claims <u>NONE</u>	NO

### 2. Citations and Explanations (Rule 70.7)

Claims 1-17 lack novelty under PCT Article 33(2) as being anticipated by Alden et al. (US Patent No. 6,101,543).

Regarding claims 1, 9, 16, 17 Alden discloses an apparatus for intelligent, seamless switching between a plurality of data or communications networks, comprising:

a mobile electronics device;

a network connection means, operable on said mobile electronics device, for connecting said mobile electronics device to said plurality of networks;

a network monitoring means capable of measuring at least one quality of connection parameter for said plurality of networks;

and  
a selection means, responsive to at least one pre-selected user preference and responsive to said at least one quality of connection parameter, for selectively connecting said mobile electronics device to one of said networks, col. 2 lines 40-65, col.6 lines 5-45.

Regarding claims 2, 10, Alden discloses that the network connection means is capable of establishing a wireless connection to at least one of said plurality of networks, col.6 lines 50-57.

Regarding claim 3, Alden discloses that the selection means further comprises: means for detecting a network; means for processing said client preferences; and means for detecting data traffic, col.9 lines 10-25.

Regarding claims 4, 11, Alden discloses that the pre-selected user preference is one or more of a network identifier, an application's connection-driving parameter, a network detection mode, a mode of operation and a pre-assigned network priority, col.11 lines 20-40.

Regarding claims 5, 12, 13, Alden discloses that the mode of operation is selected from an always-on mode and a connect-on-demand mode, col.12 lines 30-45.

Regarding claim 6, Alden discloses that the connect-on-demand mode comprises only connecting to one of said networks when said means for detecting data traffic indicates an application requiring network access, col.9 lines 25-40.

Regarding claims 7, 14, Alden discloses that the quality of connection parameter is one or more of a ping interval, a ping-offset, and a ping timeout, col.10 lines 15-25.

Regarding claims 8, 15, Alden discloses that the quality of connection parameter to an application running on said mobile electronic device, col.10 lines 35-45.

Claims 1-17 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

NEW CITATIONS

NONE